

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DANIELLE PERKINS,

Petitioner,

vs

9:05-CV-443

MICHAEL McGINNIS,

Respondent.

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APPEARANCES:

OF COUNSEL:

DANIELLE PERKINS  
Petitioner, Pro Se  
98-A-7295  
Elmira Correctional Facility  
P.O. Box 500  
Elmira, NY 14902

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Respondent  
Department of Law  
120 Broadway  
New York, NY 10271

ALYSON J. GILL, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

The petitioner, Danielle Perkins, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the above action. By a report recommendation dated April 29, 2008, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied, that the petition be

dismissed, and that a certificate of appealability not issue. Petitioner has filed timely objections to the report and recommendation.

Based upon a de novo determination of the report and recommendation, including the portions to which petitioner has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

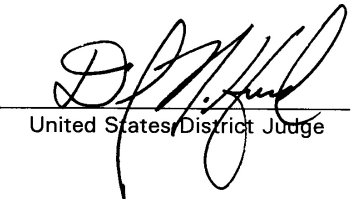
Therefore, it is

ORDERED that

1. The petition of Danielle Perkins is DENIED;
2. The petition is DISMISSED;
3. A Certificate of Appealability will not be issued in this matter; and
4. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 19, 2008  
Utica, New York.



United States District Judge